



PTO/SB/21 (02-04)

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/609,299
Filing Date	June-27-2003
First Named Inventor	Matthew F. RUSSELL
Art Unit	3673
Examiner Name	Lisa M. SALDANO
Total Number of Pages in This Submission	RU01-P11-2

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks Return Postcard; Check for \$291		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Scott K. Gallert Reg. No. 51,715
Signature	
Date	AUG-24-2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Scott K. Gallert
Signature	
Date	AUG-24-2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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AUG 30 2004

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032
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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 291)

Complete if Known

Application Number	10/609,299
Filing Date	June-27-2003
First Named Inventor	Matthew F. RUSSELL
Examiner Name	Lisa M. SALDANO
Art Unit	3673
Attorney Docket No.	RU01-P11-2

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None

Deposit Account:

Deposit Account Number	_____
Deposit Account Name	_____

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee
 to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	_____
1002 340	2002 170	Design filing fee	_____
1003 530	2003 265	Plant filing fee	_____
1004 770	2004 385	Reissue filing fee	_____
1005 160	2005 80	Provisional filing fee	_____
SUBTOTAL (1) (\$ 0)			

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
29	3		-20** =	9 x 9 =	81
			-3** =	0 x 0 =	0
				0 =	0

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$ 81)		

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	_____
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	_____
1053 130	1053 130	Non-English specification	_____
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	_____
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	_____
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	_____
1251 110	2251 55	Extension for reply within first month	210
1252 420	2252 210	Extension for reply within second month	_____
1253 950	2253 475	Extension for reply within third month	_____
1254 1,480	2254 740	Extension for reply within fourth month	_____
1255 2,010	2255 1,005	Extension for reply within fifth month	_____
1401 330	2401 165	Notice of Appeal	_____
1402 330	2402 165	Filing a brief in support of an appeal	_____
1403 290	2403 145	Request for oral hearing	_____
1451 1,510	1451 1,510	Petition to institute a public use proceeding	_____
1452 110	2452 55	Petition to revive - unavoidable	_____
1453 1,330	2453 665	Petition to revive - unintentional	_____
1501 1,330	2501 665	Utility issue fee (or reissue)	_____
1502 480	2502 240	Design issue fee	_____
1503 640	2503 320	Plant issue fee	_____
1460 130	1460 130	Petitions to the Commissioner	_____
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	_____
1806 180	1806 180	Submission of Information Disclosure Stmt	_____
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	_____
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	_____
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	_____
1801 770	2801 385	Request for Continued Examination (RCE)	_____
1802 900	1802 900	Request for expedited examination of a design application	_____

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 210)

(Complete if applicable)

Name (Print/Type)	Scott K. Gallert	Registration No. (Attorney/Agent)	51,715	Telephone	509-468-3229
Signature					
Date	AUG-24-2004				

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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Date of Deposit: August 24, 2004

Typed Name of Person Mailing Paper or Fee: Scott K. Gallert

Signature: Scott K. Gallert

PATENT APPLICATION
DOCKET NO. RU01-P11-2

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S): Matthew F. RUSSELL et al. CONFIRMATION NO.: 8035

SERIAL NO.: 10/609,299 GROUP ART UNIT: 3673

FILING DATE: June 27, 2003 EXAMINER: SALDANO, Lisa M.

TITLE: SUBTERRANEAN STRUCTURES AND METHODS FOR
CONSTRUCTING SUBTERRANEAN STRUCTURES

Mail Stop AMENDMENT
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

SIR OR MADAM:

RESPONSE TO OFFICE ACTION

This Response is being filed responsive to the March 29, 2004 Office action
for application serial number 10/609,299.

Claim Summary:

Claims originally present: 1-35.
Claims previously canceled: 1-19 and 30-35.
Claims previously amended: none.
Claims previously added: 36.
Claims hereby canceled: 20-29 and 36.
Claims hereby amended: none.
Claims hereby being added: 37-65.
Claims remaining: 37-65 (new).

08/31/2004 SSITHIB1 00000018 10609299
01 FC:2252 210.00 OP
08/31/2004 SSITHIB1 00000018 10609299
02 FC:2202 81.00 OP

S/N: 10/609,299
Case RU01-P11-2
Amendment "B"